

AMENDED IN ASSEMBLY APRIL 16, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2761

**Introduced by Committee on Agriculture (Cardoza (Chair),
Battin, Ducheny, House, Machado, Murray, Prenter, and
Thomson)**

February 25, 1998

An act to ~~add Section 63904 to~~ amend Section 78636 of, and
to add Sections 63904 and 78682 to, the Food and Agricultural
Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2761, as amended, Committee on
Agriculture. Marketing advisory and promotional councils
and commissions.

Existing federal law requires the United States Secretary of
Agriculture, upon the request of the duly constituted
authorities of any state, to confer with and hold joint hearings
with those duly constituted authorities in order to effectuate
federal policy and in order to obtain uniformity in the
formulation, administration, and enforcement of federal and
state programs relating to the regulation of the handling of
agricultural commodities or products. Existing federal law
authorizes the United States Secretary of Agriculture to
cooperate with those authorities, to accept and utilize state
and local officers and employees as necessary, to avail himself
or herself of the records and facilities of those authorities, to
issue orders complementary to orders or other regulations

issued by those authorities, and to make the records and facilities of the United States Department of Agriculture available to those authorities, as specified.

Existing state law establishes numerous marketing advisory and promotional councils and commissions to promote the state's agricultural and seafood products.

This bill would state that the Legislature finds and declares that the councils and commissions operating pursuant to provisions of existing law governing those marketing advisory and promotional councils and commissions are duly constituted authorities of this state for purposes of the federal law summarized above.

Existing law creates the California Tomato Commission in state government, and prescribes the membership and functions and duties of the commission.

For the purposes of those provisions, existing law defines "tomatoes" to mean all tomatoes, except cherry tomatoes, which are produced for commercial purposes and are handled within the state in fresh form.

This bill would additionally exclude tomatoes grown in a greenhouse under either glass or plastic, and hydroponically grown tomatoes, as defined, from that definition.

This bill would also authorize the commission to administer any program that directly affects the fresh tomato industry, upon the request of an authorized agent of the program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 63904 is added to the Food and
2 Agricultural Code, to read:

3 63904. The Legislature finds and declares that the
4 councils and commissions operating pursuant to this
5 division are duly constituted authorities of this state for
6 purposes of subdivision (i) of Section 610 of Title 7 of the
7 United States Code.

8 SEC. 2. Section 78636 of the Food and Agricultural
9 Code is amended to read:

1 78636. (a) “Tomatoes” ~~mean~~ *means* all tomatoes;
2 ~~except cherry tomatoes, which that~~ are produced for
3 commercial purposes and are handled within the state in
4 fresh form, *except cherry tomatoes, tomatoes grown in a*
5 *greenhouse either under glass or plastic, and*
6 *hydroponically grown tomatoes.*

7 (b) *For purposes of this section, “hydroponically*
8 *grown tomatoes” means tomatoes grown in water or*
9 *another liquid solution.*

10 SEC. 3. Section 78682 is added to the Food and
11 Agricultural Code, to read:

12 78682. *The commission may administer any program*
13 *that directly affects the fresh tomato industry, upon the*
14 *request of an authorized agent of the program.*

